IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 5633 of 2007(U)

PETITIONER:

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1. V.M.KRISHNANKUTTY, S/O. MADHAVAN,
   VETTIKUDIYIL, ONAMTHURUTHU VILLAGE,
   NEENDOOR P.O., DIST. KOTTAYAM.
   SEASONAL FERRYMAN, WORKING AT CHETTIKADAVU, PALA

2. P.N.MANIYAPPAN, S/O. NARAYANAN,
   PURATHATTUTHARA, UDAYANAPURAM P.O.,
   VAIKOM, DIST. KOTTAYAM.
   SEASONAL FERRYMAN, WORKING AT KAVALIPATHA KADAVU
   AT KIDANGOOR

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

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1. THE ASSISTANT EXECUTIVE ENGINEER,
   P.W.D.ROADS, SUB DIVISION, VAIKOM,
   DIST. KOTTAYAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
   P.W.D.ROADS SUB DIVISION, PALA.

3. THE ASSISTANT ENGINEER,
   P.W.D.ROADS SECTION, PALA.

4. THE EXECUTIVE ENGINEER,
   P.W.D. ROADS DIVISION, KOTTAYAM.

5. THE CHIEF ENGINEER,
   PUBLIC WORKS DEPARTMENT, (R & B),
   ADMINISTRATION, THIRUVANANTHAPURAM.

6. M.RAHIM,
   NAJEEBU MANZIL, PUTTANTHURUTHU P.O.,
   PERINAD, KOLLAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 5633 OF 2007

Dated this the 20th February, 2007.

JUDGMENT

The petitioners were engaged as Seasonal Ferrymen under respondents 1 to 5. According to them they had worked as Full time Ferrymen also for some time, and therefore, entitled to be regularised in service as such. Representations filed by the petitioners as evidenced by Exts.P2 and P3 addressed to the fifth respondent-Chief Engineer are seen forwarded by the fourth respondent-Executive Engineer along with Ext.P4 covering letter dated 13.7.2006. It appears that the fourth respondent has expressed the view that the request made by the petitioners deserves to be considered. However, final decision has not been taken on Exts.P2 and P3 or any order has been communicated to the fourth respondent in reply to Ext.P4. In the above circumstances, this writ petition has been filed.

2. One of the prayers made by the petitioners in this writ petition is to promote them to the full time post and to grant them the benefit of pay revision and other benefits attached to that post. They have got a further grievance that respondent No:6 has been promoted as Full Time Ferryman overlooking the preferential claims of the

petitioners.

3. Counsel for the petitioners submits that this Court may direct the fifth respondent to pass appropriate orders after considering the request of the petitioners.

4. I have heard the Govt. Pleader for the respondent. In the nature of the order I propose to pass, it is not necessary to issue notice to respondent No:6. Accordingly writ petition is disposed of directing the fifth respondent to consider Exts.P2 and P3 taking note of Ext.P4 as well and take appropriate decision as early as possible, in any event, within two months from the date of receipt of a copy of the judgment. If the fifth respondent so feels, notice shall be issued to the petitioner as well as the sixth respondent before passing final orders as directed above. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the fifth respondent for compliance.

K.K.DENESAN
Judge

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